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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**STATE OF CALIFORNIA, by and through  
Attorney General Xavier Becerra;  
COUNTY OF LOS ANGELES; CITY OF  
LOS ANGELES; CITY OF FREMONT;  
CITY OF LONG BEACH; CITY OF  
OAKLAND; CITY OF STOCKTON,**

Plaintiff,

v.

**WILBUR L. ROSS, JR., in his official  
capacity as Secretary of the U.S.  
Department of Commerce; U.S.  
DEPARTMENT OF COMMERCE; RON  
JARMIN, in his official capacity as Acting  
Director of the U.S. Census Bureau; U.S.  
CENSUS BUREAU; DOES 1-100,**

Defendants.

3:18-cv-01865

**JOINT STIPULATION AND  
[PROPOSED] ORDER REGARDING  
EVIDENCE RELATING TO  
PLAINTIFFS' EXPERT WITNESSES  
DRS. HERMANN HABERMANN AND  
LISA HANDLEY**

Dept: 3  
Judge: The Honorable Richard G.  
Seeborg  
Trial Date: January 7, 2019  
Action Filed: March 26, 2018

**JOINT STIPULATION REGARDING EVIDENCE RELATING TO TESTIMONY OF  
PLAINTIFFS' EXPERT WITNESSES DRs. HERMANN HABERMANN AND LISA  
HANDLEY**

To promote efficiency and preserve judicial resources, plaintiff State of California and defendants U.S. Department of Commerce, Wilbur Ross, Jr., U.S. Census Bureau, and Ron Jarmin have reached an agreement regarding certain trial exhibits that relate to the trial testimony of plaintiff's expert witnesses Drs. Hermann Habermann and Lisa Handley. The Parties hereby stipulate as follows:

1. Drs. Habermann and Handley previously testified as expert witnesses on behalf of the plaintiffs in *State of New York, et al. v. United States Department of Commerce, et al.*, pending before the U.S. District Court for the Southern District of California, Case No. 1:18-cv-02921.

2. The trial testimony of Dr. Habermann in the above-captioned matter, consisting of a trial affidavit and trial testimony from the *State of New York, et al.* matter, is set forth at PTX-821 and PTX-820, respectively. These exhibits were admitted into evidence on January 14, 2019.

2. The trial testimony of Dr. Handley in the above-captioned matter, consisting of trial testimony from the *State of New York, et al.* matter, is set forth at PTX-819. This exhibit was admitted into evidence on January 14, 2019.

3. The following trial exhibits relating to the testimony of Dr. Habermann in the above-captioned matter shall be admitted into evidence: PTX-262, PTX-267, PTX-268, PTX-269, PTX-610, PTX-611, PTX-612, PTX-613, PTX-618. These documents shall be admitted separate from and in addition to those exhibits admitted or otherwise identified on the record during the January 14, 2019, trial session.

4. Drs. Handley's and Habermann's testimony in the *State of New York, et al.* matter contains references to trial exhibits from that matter, which have been numbered separately as exhibits in the above-captioned matter. The parties acknowledge and agree that the table attached as **Exhibit A** to this stipulation accurately cross-references trial exhibits relating to Drs.

Habermann's and Handley's trial testimony from the *State of New York, et al.* matter with the corresponding exhibits from the above-captioned matter.

**IT IS SO STIPULATED.**

Dated: January 17, 2019

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/s/ Anna T. Ferrari  
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Dated: January 17, 2019

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**FILER'S ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, I hereby attest that concurrence in the filing of this document has been obtained from all signatories above.

Dated: January 17, 2019

/s/ Anna T. Ferrari  
ANNA T. FERRARI

**[PROPOSED] ORDER**

Based on the parties' Stipulation to Admit Evidence Relating to Testimony of Plaintiffs' Expert Witness Dr. Hermann Habermann, and good cause appearing, the following trial exhibits shall be admitted into evidence at trial in the above-captioned case: PTX-262, PTX-267, PTX-268, PTX-269, PTX-610, PTX-611, PTX-612, PTX-613, PTX-618.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. RICHARD SEEBORG  
United States District Judge

**EXHIBIT A IN SUPPORT OF JOINT STIPULATION**

<b>Sponsoring Witness</b>	<b>State of CA Ex. No.</b>	<b>State of NY Ex. No.</b>	<b>Description</b>
Handley	PTX-247	PX-332	Department of Justice's Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 76 F.R. 27, 7649, 7471 (Feb. 9, 2011).
Handley	PTX-248	PX-333	U.S. Census Bureau News Release, "Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census" (5/22/12), at: <a href="https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html">https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html</a>
Handley	PTX-356	PX-504	Census Bureau website page entitled: "American Community Survey When to Use 1-Year, 3-Year, or 5-Year Estimates"
Handley	PTX-633	N/A	D'Vera Cohn, "What to know about the citizenship question the Census Bureau is planning to ask in 2020," Pew Research Center, March 30, 2018, <a href="http://www.pewresearch.org/facttank/2018/03/30/what-to-know-about-the-citizenship-question-the-census-bureau-is-planning-to-askin-2020/">http://www.pewresearch.org/facttank/2018/03/30/what-to-know-about-the-citizenship-question-the-census-bureau-is-planning-to-askin-2020/</a> .
Handley	PTX-646	N/A	U.S. Department of Justice Website, Section 5 Voting Rights Act, at: <a href="https://www.justice.gov/crt/about-section-5-votingrights-act">https://www.justice.gov/crt/about-section-5-votingrights-act</a>
Handley	PTX-647	PDX-31	Trial Demonstrative PDX-31, Professional Experience
Handley	PTX-648	PDX-32	Trial Demonstrative PDX-32, DOJ Voting Section Litigation
Handley	PTX-649	PDX-33	Trial Demonstrative PDX-33, Focus of Opinion
Handley	PTX-650	PDX-34	Trial Demonstrative PDX-34, Overall Opinion
Handley	PTX-651	PDX-35	Trial Demonstrative PDX-35, <i>Gingles</i> Preconditions
Handley	PTX-652	PDX-36	Trial Demonstrative PDX-36, TIGERweb map
Handley	PTX-653	PDX-37	Trial Demonstrative PDX-37, Texas Statewide Court Districts (9 District Plan, Population and Voting Age)
Handley	PTX-654	PDX-38	Trial Demonstrative PDX-38, Texas Statewide Court Districts (9 District Plan, Citizen Voting Age Population)

<b>Sponsoring Witness</b>	<b>State of CA Ex. No.</b>	<b>State of NY Ex. No.</b>	<b>Description</b>
Handley	PTX-655	PDX-39	Trial Demonstrative PDX-39, Village of Port Chester
Handley	PTX-656	PDX-40	Trial Demonstrative PDX-40, Conclusions
Habermann	PTX-262	PX-354	Federal Register Vol. 79, No. 213, Office of Management & Budget, Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units
Habermann	PTX-263	PX-355	Principles and Practices for a Federal Statistical Agency, Sixth Edition (2017)
Habermann	PTX-265	PX-358	Charter of the Interagency Council on Statistical Policy, Subcommittee on the American Community Survey (Aug. 10, 2012, rev. Nov. 15, 2017)
Habermann	PTX-267	PX-360	Statistical Policy Directive No. 2 Addendum: Standards & Guidelines for Cognitive Interviews
Habermann	PTX-268	PX-361	United Nations, Principles and Recommendations for Population and Housing Censuses
Habermann	PTX-269	PX-362	Office of Management & Budget, Instructions for Requesting OMB Review Under the PRA, OMB FORM 83-I INST, 10/95
Habermann	PTX-371	PX-539	Committee on National Statistics, Letter Report on the 2020 Census (8/7/2018)
Habermann	PTX-610	N/A	Curriculum Vitae of Hermann Habermann
Habermann	PTX-611	N/A	Federal Register, Vol. 71, No. 184
Habermann	PTX-612	N/A	Federal Register, Vol. 81, No. 197
Habermann	PTX-613	N/A	FR Doc. 2018-12365, proposed Information Collection: Comment Request: 2020 Census. Docket number USBC-2018-005, letter report from National Academies of Sciences, Committee on National Statistics, Task Force on the 2020 Census to U.S. Department of Commerce, Departmental Paperwork Clearance Officer, Aug. 7, 2018 (Federal Register / Vol. 83, No. 111)
Habermann	PTX-614	N/A	Fundamental Principles of Official Statistics (A/RES/68/261 from 29 January 2014)

<b>Sponsoring Witness</b>	<b>State of CA Ex. No.</b>	<b>State of NY Ex. No.</b>	<b>Description</b>
Habermann	PTX-618	N/A	United Nations, Principles and Recommendations for Population and Housing Censuses, 2017 <a href="https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/Population-and-Housing-Censuses/Series_M67rev3-E.pdf">https://unstats.un.org/unsd/demographic-social/Standards-and-Methods/files/Principles_and_Recommendations/Population-and-Housing-Censuses/Series_M67rev3-E.pdf</a>
Habermann	PTX-619	N/A	Habermann, An Examination of City Groups, December 2017. HABERMANN000005]
Habermann	PTX-620	N/A	Habermann, A Regional Training Network Concept [HABERMANN000022]
Habermann	PTX-621	N/A	Habermann & deViries, Review of Two Assessments Reports About the Palestinian Central Bureau of Statistics (PCBS), Draft 1.2, May 2014. [HABERMANN000035]
Habermann	PTX-622	N/A	Habermann, 2020 Census Citizenship Question - Need Not Demonstrated; Standards Not Followed Justification and Standards Expected [HABERMANN000066]